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APPLICATION NO		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/071,155		02/07/2002	Boaz Jaschek	68393-3-20	8588	
50670	7590	06/07/2006		EXAMINER		
DAVIS W	RIGHT :	TREMAINE LLP	ROBINSON,	ROBINSON, GRETA LEE		
865 FIGUE	ROA STR	REET		ART UNIT	DADED AND OPEN	
SUITE 240	SUITE 2400				PAPER NUMBER	
LOS ANGI	ELES, CA	90017-2566	2168			
				DATE MAILED: 06/07/2000	DATE MAILED: 06/07/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application N .	Applicant(s)				
		10/071,155	JASCHEK ET AL.				
	Office Action Summary	Examin r	Art Unit				
		Greta L. Robinson	2168				
	The MAILING DATE f this communication app	ears on th cover sh et with the c	rrespondenc address				
	Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)🖂	Responsive to communication(s) filed on 16 M	arch 2006 and 21 February 2006	<b>.</b>				
,—	•	action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	ion of Claims						
5) 6) 7)	Claim(s) 1-101 is/are pending in the application 4a) Of the above claim(s) is/are withdray Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-101 are subject to restriction and/or	vn from consideration.					
Application Papers							
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Examine	epted or b) objected to by the l drawing(s) be held in abeyance. Sec ion is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
Driority	under 25 H S C S 440						
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
2) Notice (3) Information	ot(s)  Dee of References Cited (PTO-892)  Dee of Draftsperson's Patent Drawing Review (PTO-948)  The mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  The results of the process of the content of	4)  Interview Summary Paper No(s)/Mail Do 5)  Notice of Informal F 6)  Other:					

## El ction/R strictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

 Claims 1-51, 99 and 100, drawn to a method of determining relevancy of keywords by comparing extracted real time terms and keywords, classified in class 707, subclass 6.

II. Claims 52-98 and 101, drawn to a relevancy determination unit and system for receiving and processing real time terms, classified in class 707, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions require different modes of operation. For example, Invention I extracts real time terms from information streams and does a comparison step to determine a relevancy of keywords; whereas Invention II is geared toward the structure or schema that makes up a relevancy determination unit and system that processes real time terms. The mode of operation for Invention I is not required for Invention II.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 2168

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Greta Robinson Primary Examiner June 2, 2006